

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA FOURTH DIVISION

In re:
DOUGLAS A FREY
KRISTIN L FREY

MODIFIED
CHAPTER 13 PLAN

Dated: November 27, 2017

DEBTOR

Case No. 17-43014

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ 0.00.
- After the date of this plan, the debtor will pay the trustee \$1,240.00 per month for 31 months beginning November 2017 for a total of \$38,440.00, then \$1,407.00 per month for 20 months beginning June 2020 for a total of \$28,140.00, then \$1,468.00 per month for 9 months beginning February 2022 for a total of \$13,212.00, for a grand total of \$79,792.00. The minimum plan payment length is 36 or X 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee The debtor(s) shall send the Trustee each year during the Chapter 13 Plan copies of federal and state income tax returns at the time they are filed. The debtor(s) shall also promptly report to the Trustee the receipt of any federal and state tax refunds for the duration of this Chapter 13 case. The debtor(s) shall be entitled to retain the first \$1,200 (single debtor or single tax return filer) or \$2,000 (joint debtor or joint tax return filer), plus any earned income credit (EIC), plus any Minnesota Working Family credit. Any remaining amounts shall be turned over to the Chapter 13 trustee as additional plan payments.
- The debtor will pay the trustee a total of \$ 79,792.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 7,979.00, [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
-NONE-			
a. TOTAL	\$		\$ 0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
-NONE-	

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
a. Chase	2012 Ford Fusion
b. Ally	2012 Kia Forte (Paid by daughter)

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Wells Fargo Bank	\$ 41,254.00	\$ 1,116.00	5	37	\$ 41,254.00
b. TOTAL					\$ 41,254.00

7. **CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)]** — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$	\$				\$
a. TOTAL						\$ 0.00

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts) x (No. of Pmnts)	= Pmnts on Account of Claim	+ (Adq. Prot. from ¶ 3)	= TOTAL PAYMENTS
-NONE-	\$	\$			\$	\$	\$	\$
a. TOTAL								\$ 0.00

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 3,499.00	\$ 1,116.00	1	4	\$ 3,499.00
b. Internal Revenue Service	\$ 18,714.00	\$ pro rata			\$ 18,714.00
c. Minn Dept of Revenue	\$	\$ pro rata			\$
d. TOTAL					\$ 22,213.00

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-. The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-						\$
a. TOTAL						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$8,346.00 [line 1(d) minus lines 2, 6(b), 7(a), 8(a), 9(d) and 10(a)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$0.00.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$48,168.00.
- Total estimated unsecured claims are \$48,168.00 [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. **OTHER PROVISIONS** — The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

The debtors shall surrender the 2015 Kia Sorento to Hyundai Motor Finance in full satisfaction of the secured claim. The creditor may amend its proof of claim for any deficiency balance. Any amount not paid shall be discharged upon the debtor receiving a discharge in this case.

In the event a secured creditor is granted stay relief or there is a surrender, repossession or return of collateral to the creditor for any reason, the creditor may file a proof of claim for any deficiency within 30 days after the surrender, repossession or return of the collateral. If such a proof of claim is filed, the claim, if any, will be paid as an unsecured claim in accordance with non-bankruptcy law and dischargeable upon completion of this plan or any future modified plan.

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	7,979.00
Home Mortgage Defaults [Line 6(b)]	\$	41,254.00
Claims in Default [Line 7(a)]	\$	0.00
Other Secured Claims [Line 8(a)]	\$	0.00
Priority Claims [Line 9(d)]	\$	22,213.00
Separate Classes [Line 10(a)]	\$	0.00
Unsecured Creditors [Line 11]	\$	8,346.00
TOTAL [must equal Line 1(d)]	\$	79,792.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Robert J. Hoglund 210997
Hoglund, Chwialkowski & Mrozik P.L.L.C
1781 West County Road B
PO Box 130938
Roseville, MN 55113-4052
(651) 628-9929
210997

Signed /s/ DOUGLAS A FREY
DOUGLAS A FREY
DEBTOR

Signed /s/ KRISTIN L FREY
KRISTIN L FREY
DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re: Bkry Case No: 17-43014
Douglas A Frey Chapter 13
and
Kristin L. Frey
Debtor(s).

NOTICE OF FILING MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION

TO: ALL PARTIES IN INTEREST

PLEASE TAKE NOTICE that the debtor(s), pursuant to Local Rule 3015-2(a) have filed the attached modified Chapter 13 Plan. The Hearing on Confirmation of the Modified Plan is scheduled for December 7, 2017 at 10:30 a.m. in United States Bankruptcy Court, Courtroom 7 West, Seventh Floor, 300 South Fourth Street, Minneapolis, Minnesota.

Any objection to this Modified Plan must be served by delivery not later than 24 hours prior to the time and date set for the confirmation hearing or mailed not later than three days prior to the date set for the confirmation hearing.

Dated: November 27, 2017

HOGLUND, CHWIALKOWSKI & MROZIK, PLLC

Signed: /e/ Robert J. Hoglund

Robert J. Hoglund #210997

Keith Chwialkowski #210134

Jeffrey J. Bursell #293362

Kristen M. Whelchel #339866

Attorney for Debtor(s)

1781 West County Road B

P.O. Box 130938

Roseville, Minnesota 55113

Telephone Number: (651) 628-9929

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bkry Case No: 17-43014

Douglas A. Frey

Chapter 13

and

Kristin L. Frey

Debtor(s).

**UNSWORN CERTIFICATE
OF SERVICE**

I, Melissa Matthews, employed by Hoglund, Chwialkowski & Mrozik, PLLC, attorneys licensed to practice law in this Court, with office address of 1781 West County Road B, Roseville, Minnesota 55113, declare that on November 27, 2017, I served the Modified Chapter 13 Plan and Notice of Filing Modified Plan Prior to Confirmation to each of the entities named below by first class mail postage prepaid and to any entities who are Filing Users, by automatic e-mail notification pursuant to the Electronic Case Filing System:

Douglas & Kristin A. Frey
8350 Riverbirch Court
Victoria, MN 55386

And to all creditors/parties in interest listed on matrix (see attached)

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: November 27, 2017

Signed: /e/ Melissa Matthews
Paralegal

Label Matrix for local noticing

0864-4

Case 17-43014

District of Minnesota

Minneapolis

Mon Nov 13 07:23:00 CST 2017

ALLTRAN HEALTH INC

PO BOX 519

SAUK RAPIDS MN 56379-0519

WELLS FARGO BANK NA

25 N DALE ST 2ND FLR

ST PAUL, MN 55102-2227

ALLY

PO BOX 380902

BLOOMINGTON MN 55438-0902

Minneapolis

301 U.S. Courthouse

300 South Fourth Street

Minneapolis, MN 55415-1320

ARS NATIONAL SERVICES

PO BOX 463023

ESCONDIDO CA 92046-3023

AVANT

222 N LASALLE DR STE 1700

CHICAGO IL 60601-1101

Ally Financial

PO Box 130424

Roseville MN 55113-0004

BIG PICTURE LOANS

PO BOX 704

WATERSMEET MI 49969-0704

CAPITAL ONE

PO BOX 30253

SALT LAKE CITY UT 84130-0253

CAPITAL ONE

PO BOX 30285

SALT LAKE CITY UT 84130-0285

CAPITAL ONE

PO BOX 463023

ESCONDIDO CA 92046-3023

CHASE

PO BOX 901037

FORT WORTH TX 76101-2037

CREDIT ONE BANK

PO BOX 60500

CITY OF INDUSTRY CA 91716-0500

(p)DISCOVER FINANCIAL SERVICES LLC

PO BOX 3025

NEW ALBANY OH 43054-3025

Discover Bank

Discover Products Inc

PO Box 3025

New Albany, OH 43054-3025

FAIRVIEW HEALTH SERVICES

400 STINSON BLVD NE

MPLS MN 55413-2613

FAIRVIEW HEALTH SERVICES

PO BOX 9372

MINNEAPOLIS MN 55440-9372

HARBOR DENTAL

3001 HARBOR LN

PLYMOUTH MN 55447-8740

HYUNDAI MOTOR FINANCE

PO BOX 20809

FOUNTAIN VALLEY CA 92728-0809

(p)INTERNAL REVENUE SERVICE

CENTRALIZED INSOLVENCY OPERATIONS

PO BOX 7346

PHILADELPHIA PA 19101-7346

IRS

PO BOX 7346

PHILADELPHIA PA 19101-7346

MESSERLI & KRAMER PA

3033 CAMPUS DR STE 250

PLYMOUTH MN 55441-2662

MN DEPT OF REVENUE

551 BKCY SECTION CEU DEPT

PO BOX 64447

SAINT PAUL MN 55164-0447

THE ACADEMY LAW GROUP PA

25 NORTH PROFESSIONAL BLDG

SAINT PAUL MN 55102

US Trustee

1015 US Courthouse

300 S 4th St

Minneapolis, MN 55415-3070

WELLS FARGO BANK

PO BOX 53439

PHOENIX AZ 85072-3439

Wells Fargo Bank, N.A.

Default Document Processing

Mac#N9286-01Y

1000 Blue Gentian Road

Eagan, MN 55121-1663

DOUGLAS A FREY

8350 RIVERBIRCH CT

VICTORIA, MN 55386-8251

Gregory A Burrell

100 South Fifth Street

Suite 480

Minneapolis, MN 55402-1250

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

DISCOVER FINANCIAL SERVICES	IRS	End of Label Matrix	
PO BOX 30943	30 E 7TH STREET SUITE 1222	Mailable recipients	31
SALT LAKE CITY UT 84130-0943	MAIL STOP 5700	Bypassed recipients	0
	SAINT PAUL MN 55101	Total	31

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Bankruptcy Case Number: 17-43014

Douglas A. Frey,

and

SIGNATURE DECLARATION

Kristin L. Frey,

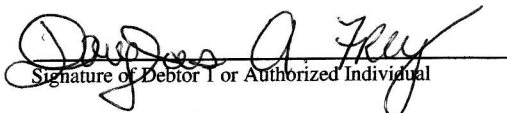
Debtor(s).

- () PETITION, SCHEDULES & STATEMENTS
() CHAPTER 13 PLAN
() SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
() AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
(X) MODIFIED CHAPTER 13 PLAN/MOTION FOR HEARING
() OTHER:

I (we), the undersigned debtor(s) or authorized representative of the debtor, make the following c under penalty of perjury:

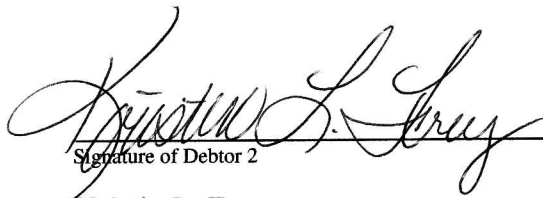
1. The information I have given my attorney for the electronically filed petition, statements, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-references case is true and correct;
3. **[individual debtors only]** If no Social Security Number was provided as described in paragraph above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has as if it were my original signature on those documents; and
6. **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 11/27/17


Signature of Debtor 1 or Authorized Individual

Douglas A. Frey

Printed Name of Debtor 1 or Authorized Individual


Signature of Debtor 2

Kristin L. Frey

Printed Name of Debtor 2